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16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA
18

19 PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER,

20 Plaintiff,

21 v.

22 COUNTY OF VENTURA; GEOFF DEAN,
23 GARY PENTIS, LINDA OKSNER, and
24 RICK BARRIOS, in their individual and
official capacities, DOES 1-10, in their
individual and official capacities,

25 Defendants.
26

Case No. cv-14-0773-GHK (EX)

**JOINT REPORT OF PARTIES'
PLANNING MEETING**

Judge: Hon. George H. King

Rule 26 Conference: June 2, 2014

1 **1. Rule 26(f) Meeting**

2 Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on May
3 1, 2014. The following persons participated in the meeting:

- 4 • Ernest Galvan from Rosen, Bien Galvan & Grunfeld LLP, Brian Vogel from the
5 Law Offices of Brian A. Vogel, PC, and Lance Weber from the Human Rights
6 Defense Center, for Plaintiff PRISON LEGAL NEWS, a project of the HUMAN
7 RIGHTS DEFENSE CENTER (“Plaintiff” or “PLN”).
- 8 • Jeffrey Held from Wisotsky, Procter & Shyer for Defendants COUNTY OF
9 VENTURA, GEOFF DEAN, GARY PENTIS, LINDA OKSNER, RICK
10 BARRIOS, and DOES 1-20 (collectively, “Defendants”).

11 The parties hereby submit the following joint status report and discovery plan
12 pursuant to Federal Rule of Civil Procedure 26(f)(2). Both parties assisted in
13 developing the Case Management Report.

14 **2. Concise Statement Of The Factual And Legal Basis Of The Claims And**
15 **Defenses**

16 Plaintiff is a publisher and book distributor, Prison Legal News, a project of
17 the non-profit organization Human Rights Defense Center. Plaintiff brings this
18 action under the First and Fourteenth Amendments to the United States Constitution.
19 Defendants are the County of Ventura, Geoff Dean, the Sheriff of Ventura County,
20 Gary Pentis, the Assistant Sheriff, Linda Oksner, the Commander of the Todd Road
21 Jail, and Rick Barrios, Commander of the Pre-Trial Detention Facility. Plaintiff
22 brought this action after learning that staff at the jails of Ventura County were
23 refusing to deliver its publications and other written materials to jail inmates.

24 Plaintiff alleges that the following practices of the Ventura County Jails
25 violate the First and Fourteenth Amendments:

- 26 (1) Rejection of items mailed by Plaintiff on the grounds that postcards are
27 the only acceptable form of non-privileged incoming mail (hereinafter referred to as
28 “postcard only policy”);

1 (2) Rejection of issues of the Plaintiff's monthly publication, *Prison Legal*
2 *News*, on the grounds that it contains suggestive advertisements;

3 (3) Rejection of items mailed by Plaintiff on the grounds that that Xeroxed
4 materials were not allowed, and that inmates cannot order things from jail;

5 (4) The Jail's failure to provide notice and an opportunity to appeal when
6 materials sent by Plaintiff were rejected.

7 Plaintiff alleges that the above-listed acts and omissions were undertaken as
8 the official policy and/or established custom and practice of the County of Ventura
9 such that the County is directly liable for the resulting Constitutional violations.

10 Plaintiff alleges that the above-listed acts and omissions were undertaken with
11 conscious disregard for Constitutional rights, exposing the individual defendants to
12 liability for punitive damages. Plaintiff alleges that permanent injunctive relief is
13 necessary in order to prevent continuing and imminent violations of its First
14 Amendment and Fourteenth Amendment rights.

15 Defendants contend that acts and omissions (2)-(4) above were due to
16 mistakes made by staff that have been corrected. Defendants contend that the
17 postcard-only policy, (1), above, is a permissible limitation on First Amendment
18 rights because it is reasonably related to the jail's legitimate security and
19 administrative burden reduction interests. Defendants contend that it is therefore
20 entitled to judgment as to item (1) above, and that no injunctive relief is necessary as
21 to items (2)-(4) above.

22
23 **3. Jurisdictional Basis for the Case**

24 The lawsuit is within the Court's federal question jurisdiction. 42 U.S.C. §
25 1983; 28 U.S.C. § 1343(a)(3).

26 Venue is proper in the Central District of California under 28 U.S.C. §
27 1391(b) because the Defendants reside in and a substantial part of the events
28 complained of occurred in this District.

1
2 **4. Initial Disclosures**

3 The parties will serve initial disclosures by June 16, 2014.

4 **5. Subjects on Which Discovery May Be Needed**

5 **A. Plaintiff**

6 Plaintiff will serve discovery on each of the Defendants in the form of
7 interrogatories and requests for production of documents regarding the basis for
8 Defendants' affirmative defenses and denial of liability in their answer to Plaintiff's
9 Complaint, including the allegations that Defendants' actions and policies in
10 censoring Plaintiff's publication and correspondence were related to legitimate
11 penological interests. Plaintiff also intends to take the depositions of various
12 Defendants and others, including individuals who handled or processed mail and
13 any Defendants who decided whether or not to deliver mail addressed to persons
14 detained at correctional facilities in Ventura County. Plaintiff may take one or more
15 "persons most knowledgeable" depositions under Federal Rule of Civil Procedure
16 30(b)(6), and may serve requests for admissions.

17 **B. Defendants**

18 Defendants will propound written discovery to ascertain the plaintiff's special
19 (economic) damages and to quantify the mailed items said to have been rejected by
20 category, as well as subscription rates. Defendants will also depose plaintiff's
21 management hierarchy to determine the same information.

22 **6. Disclosure or Discovery of Electronically Stored Information**

23 Disclosure or discovery of electronically stored information should be
24 handled as follows: electronic information should be produced on portable media
25 such as CD-ROM, DVD, or thumb drive in native format and with metadata intact
26 with load files on Concordance format or the equivalent.

27 **7. Changes to Limitations on Discovery**

28 The parties do not anticipate changes to the limitations on discovery imposed

by the Federal Rules of Civil Procedure.

8. Claims of Privilege or Work Product

The parties are aware of no outstanding issues relating to claims of privilege or work product, and do not anticipate any.

9. Proposed Deadlines

The parties propose the following dates for future proceedings in this matter:

Expert Disclosures and Reports:	Oct. 17, 2014
Rebuttal Expert Disclosures and Reports:	Nov. 7, 2014
Close of Expert and Fact Discovery:	Nov. 21, 2014
Last Day for Filing Dispositive Motions:	Jan. 16, 2015
Last Day to Hear Dispositive Motions:	Feb. 17, 2015
Proposed Date for Pre-Trial Conference	Mar. 2, 2015
Trial Date:	Mar. 16, 2015

10. Reference to a Magistrate Judge for Trial

The parties do not consent to trial before a Magistrate Judge.

11. Jury Trial

Both parties have requested a jury trial. *See* Complaint, filed January 31, 2014 (Docket No. 1), page 17; Answer on Behalf of Defendants, filed March 31, 2014 (Docket No. 25), page 13.

12. Estimated Length of Trial

Plaintiff estimates that it would require three court days to present its case-in-chief. Defendants will require a commensurate length of time.

13. Prospects for Settlement

The parties have discussed a partial settlement of all issues other than those arising from the post-card policy. No settlement, even a partial one, is likely until after the preliminary injunction motion is decided. The parties have discussed the Local Rule 16-15.4 ADR options and would prefer Option 1, with the District Judge presiding at a settlement conference.

